IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

ROBERT FARMER; GBG, INC., a)
North Carolina corporation; Sisbro)
Properties, LLC, a North Carolina)
Limited Liability Company,)
ROBERT TARBUCK, SHARYN)
TARBUCK; TD SERVICES, INC., a)
North Carolina corporation;)
REBECCA SERCY OLBRYCH,) File No.: 1:09-cv-178
THOMAS OLBRYCH; DEL/SER,)
INC., a North Carolina corporation,)
d/b/a A+ Delivery Services; BKB,)
INC., a North Carolina corporation,)
d/b/a Wheels Recreation and Family)
Fun Center; PATRICIA STEVENS-)
WEST; and DTS COURIER, INC., a)
North Carolina corporation,)
)
Plaintiffs,) ORDER
)
v.)
)
DIAMOND TRANSPORTATION,)
GROUP, INC.,)
)
Defendant.)

THIS MATTER is before the Court on the parties' Joint Stipulation Regarding Emergency Motion for Temporary Restraining Order, filed May 20, 2009.

On review of the motion, the Court finds it should be granted as follows:

WHEREAS, the parties have agreed that the motion for TRO now pending before the Court should not be determined until such time as either party files electronic notice that settlement negotiations have reached an impasse; and

WHEREAS, the parties have agreed that Defendant's right to reply to Plaintiff's response to the motion for TRO should not be lost while the parties are engaged in active negotiations; and

WHEREAS, there is good cause to hold the motion for TRO in abeyance and to grant the requested extension of time for Defendant to file a reply in support of its motion for TRO, if reply is necessary;

IT IS, THEREFORE, ORDERED that Defendant's motion for TRO shall be held in abeyance until such time as the Court is notified by either party that negotiations have reached an impasse, such notification to be accomplished by electronic filing, and Defendant shall have twenty-four hours from the filing of notification of impasse by either party in which to file a reply in support of its motion for TRO.

Signed: May 21, 2009

Lacy H. Thornburg

United States District Judge